

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : Criminal No. 4:09-CR-00345
: :
v. : (Judge Jones)
: :
GREGORY ALAN MORTON : (Electronically Filed)
: :

MOTION IN LIMINE

AND NOW, come the defendant, Gregory A. Morton, by his attorney, Thomas A. Thornton of the Federal Public Defender's Office, moving this Honorable Court to limit the introduction of evidence at trial.

1. By indictment filed October 22, 2009, Gregory Alan Morton was charged with first degree murder in violation of 18 U.S.C. § 1111.
2. The Federal Public Defender's Office was appointed to represent Mr. Morton.
3. Trial in this matter has been scheduled for June 28, 2010.
4. Gregory Morton requests that the following testimony and evidence be excluded from trial or limited.
 - (A) The government should be precluded from showing any pictures of the body of Scott Lilly because they are irrelevant (F.R.E. 401), inflammatory and their probative value is substantially outweighed by

the danger of unfair prejudice (F.R.E. 403).

- (I) The pictures show Scott Lilly lying in a pool of coagulated and drying blood. The pooling and coagulating were caused by the corrections officers who were derelict in their duties and did not respond to the duress alarm for 1 1/2 hours. The body was not photographed or removed until at least 30 minutes after the initial response. The blood that pooled on the floor and dried on Scott Lilly resulted from the lack of response by the corrections officers and therefore is irrelevant and highly prejudicial
- (B) The government has given F.R.E. 404(b) notice that it intends to produce testimony to show the reason why Gregory Morton was put in the Special Housing Unit at the penitentiary. Gregory Morton asks that the government be precluded from offering such testimony because it is irrelevant (F.R.E. 401) and is not admissible for any other purpose. F.R.E. 404(b). The admission of such evidence could smear Gregory Morton with the taint of propensity and is therefore also more prejudicial than probative. (F.R.E. 403)
- (C) The government will impeach Gregory Morton through evidence of conviction of a crime (F.R.E. 609). Gregory Morton seeks to limit such

examination to the ten year time period of F.R.E. 609. Mr. Morton also seeks to insure that no specifics of the prior conviction are admitted and that the questioning of the government is limited to the date of the bank robbery and the fact of conviction. (F.R.E. 609).

WHEREFORE, for the foregoing reasons, Gregory Alan Morton respectfully requests this Honorable Court to limit or exclude the above-referenced evidence and testimony.

Respectfully submitted,

Date: June 14, 2010

/s/ Thomas A. Thornton
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CERTIFICATE OF SERVICE

I, Thomas A. Thornton, of the Federal Public Defender's Office, do hereby certify that on this date I served a copy of the foregoing **Motion in Limine**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

FREDERICK E. MARTIN, ESQUIRE
United States Attorney's Office

GREGORY ALAN MORTON

Date: June 14, 2010

/s/ Thomas A. Thornton

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